

Before the
MARICOPA COUNTY AIR POLLUTION HEARING BOARD

In the matter of the appeal of)	
)	
Hickman's Egg Ranch, Permit No. 140062)	ORDER
)	
Daniel E. Blackson, Appellant.)	Cause No. MCAPHB2016-01-PA
)	
_____)	

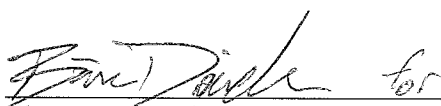
Before the Board is a letter from Mr. Daniel Blackson dated December 23, 2016 requesting that the Board reconsider its December 2, 2016 Final Decision and Order remanding this matter back to the Maricopa County Air Quality Department. Mr. Blackson advances two issues for reconsideration: (1) the Board's failure to consider whether "the open side of the hen house as an opening that functionally allows forced ventilation air to exhaust and whether the "henhouses could have been constructed or may be modified so the emissions pass through a vent or 'other functionally equivalent opening"; and (2) the Board inappropriately considered the agricultural exemption at Rule 200, § 308.3 to apply to chickens and manure, which are not "agricultural equipment" exempted by that provision. Blackson December 23, 2016 letter at 1.

The grounds for a rehearing or review of the Board's decision are set forth in the Board's Manual in § 3.26(D).

The Board finds Mr. Blackson's request for reconsideration premature. The Department is currently evaluating the extent to which emissions from the henhouses at the Hickman's Egg Ranch generated non-fugitive emissions and Mr. Blackson's concerns should be addressed to the Department during its work on remand. We are advised that the Department should reach a conclusion in April 2017. Once the Department's final decision is reached, Mr. Blackson may, if necessary, challenge that conclusion under the terms of the Board's December 2, 2016 Final Decision and Order.

Reconsideration DENIED.

SO ORDERED February 6, 2017.



Shane Leonard, Chair
Air Pollution Hearing Board

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CERTIFICATE OF SERVICE

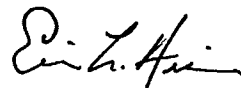
I hereby certify that I served or caused to be served on February 6, 2017 an electronic copy of this Order on all parties in accordance with the Air Pollution Hearing Board Manual of Procedures.

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By:

A handwritten signature in black ink, appearing to read "Eric L. Hiser".

Eric L. Hiser